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LAWS AND REGULATIONS

RELATING TO THE

MOUNT RAINIER NATIONAL PARK, WASHINGTON

COMPILED IN THE OFFICE OF THE
SECRETARY OF THE INTERIOR

WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

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LAWS AND REGULATIONS RELATING TO MOUNT RAINIER NATIONAL PARK, WASHINGTON.

LAWS.

ACT OF MARCH 2, 1899 (30 STAT., 993).

AN ACT To set aside a portion of certain lands in the State of Washington, now known as the "Pacific Forest Reserve," as a public park, to be known as the "Mount Rainier National Park."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point three miles east of the northeast corner of township numbered seventeen north, of range six east of the Willamette meridian; thence south through the central parts of townships numbered seventeen, sixteen, and fifteen north, of range seven east of the Willamette meridian, eighteen miles more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered fourteen north, of range six east of the Willamette meridian; thence east on the township line between townships numbered fourteen and fifteen north, eighteen miles more or less to a point three miles west of the northeast corner of township fourteen north, of range ten east of the Willamette meridian; thence northerly, subject to the proper easterly or westerly offsets, eighteen miles more or less, to a point three miles west of the northeast corner of township numbered seventeen north, of range ten east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered seventeen and eighteen to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set aside as a public reservation by proclamation of the President on the twentieth day of February, in the year of our Lord eighteen hundred and ninety-three, and of the Independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the "Mount Rainier National Park," for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or

occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve adjoining said park rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said park hereby created, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

SEC. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected. In case

the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

SEC. 5. That the mineral-land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

ACT OF LEGISLATURE OF STATE OF WASHINGTON, APPROVED MARCH 16, 1901.[a]

Exclusive jurisdiction shall be, and the same is hereby, ceded to the United States over and within all the territory which is now or may hereafter be included in that tract of land in the State of Washington set aside for the purposes of a national park and known as "Rainier National Park," saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park: *Provided, however*, That jurisdiction shall not vest until the United States, through the proper officer, notifies the governor of this State that they assume police or military jurisdiction over said park.

EXTRACT FROM SUNDRY CIVIL ACT OF MAY 27, 1908 (35 STAT., 365).

Hereafter the location of mining claims under the mineral-land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington: *Provided, however*, That this provision shall not affect existing rights heretofore acquired in good faith under the mineral-land laws of the United States to any mining location or locations in said Mount Rainier National Park.

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[a] Congress has not as yet authorized the acceptance of this cession of jurisdiction.

RULES AND REGULATIONS.

GENERAL REGULATIONS OF JUNE 10, 1908.

Pursuant to the authority conferred by the acts of Congress approved March 2, 1899, and May 27, 1908, the following rules and regulations for the government of the Mount Rainier National Park, in the State of Washington, are hereby established and made public:

1. It is forbidden to injure or disturb in any manner any of the mineral deposits, natural curiosities, or wonders on the government lands within the park.

2. It is forbidden to cut or injure any timber growing on the park lands, or to deface or injure any government property. Camping parties will be allowed to use dead or fallen timber for fuel.

3. Fires should be lighted only when necessary and completely extinguished when not longer required. The utmost care must be exercised at all times to avoid setting fire to the timber and grass.

4. Hunting or killing, wounding or capturing any bird or wild animal on the park lands, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed on the park lands under other circumstances than prescribed above, will be taken up by the superintendent and held subject to the order of the Secretary of the Interior, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof.

5. Fishing with nets, seines, traps, or by the use of drugs or explosives, or in any other way than with hook and line, is prohibited. Fishing for purposes of merchandise or profit is forbidden. Fishing may be prohibited by order of the superintendent in any of the waters of the park, or limited therein to any specified season of the year, until otherwise ordered by the Secretary of the Interior.

6. No person will be permitted to reside permanently, engage in any business, or erect buildings, etc., upon the government lands in the park, without permission, in writing, from the Secretary of the Interior. The superintendent may grant authority to competent persons to act as guides and revoke the same in his discretion. No pack trains will be allowed in the park unless in charge of a duly registered guide.

7. Owners of patented lands within the park limits are entitled to the full use and enjoyment thereof; such lands, however, shall have the metes and bounds thereof so marked and defined that they may be readily distinguished from the park lands. Stock may be taken over the park lands to patented lands with the written permission and under the supervision of the superintendent.

8. Hereafter the location of mining claims under the mineral-land laws of the United States is prohibited within the park. Persons who have heretofore acquired in good faith rights to any mining location or locations shall not be permitted to injure, destroy, or interfere with the retention in their natural condition of any timber, mineral deposits, natural curiosities, or wonders within said park outside the boundaries of their respective mining claims duly located and held under the mineral-land laws.

9. The herding or grazing of loose stock or cattle of any kind on the government lands in the park, as well as the driving of such stock or cattle over the same, is strictly forbidden, except in such cases where authority therefor is granted by the superintendent.

10. No drinking saloon or barroom will be permitted upon government lands in the park.

11. Private notices or advertisements shall not be posted or displayed on the government lands within the reservation, except such as may be necessary for the convenience and guidance of the public.

12. Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who violate any of the foregoing rules, will be summarily removed from the park and will not be allowed to return without permission, in writing, from the Secretary of the Interior or the superintendent of the park.

No lessee or licensee shall retain in his employ any person whose presence in the park shall be deemed and declared by the superintendent to be subversive of the good order and management of the reservation.

13. The superintendent designated by the Secretary is hereby authorized and directed to remove all trespassers from the government lands in the park and enforce these rules and regulations and all the provisions of the acts of Congress aforesaid.

REGULATIONS OF JUNE 10, 1908, GOVERNING THE IMPOUNDING AND DISPOSITION OF LOOSE LIVE STOCK.

Horses, cattle, or other domestic live stock running at large or being herded or grazed in the Mount Rainier National Park without authority from the Secretary of the Interior, will be taken up and impounded by the superintendent, who will at once give notice thereof to the owner, if known. If the owner is not known, notice of such impounding, giving a description of the animal or animals, with the brands thereon, will be posted in six public places inside the park and in two public places outside the park. Any owner of an animal thus impounded may, at any time before the sale thereof, reclaim the same upon proving ownership and paying the cost of notice and all expenses incident to the taking up and detention of such animal, including the cost of feeding and caring for the same. If any animal thus impounded shall not be reclaimed within thirty days from notice to the owner or from the date of posting notices, it shall be sold at

public auction at such time and place as may be fixed by the superintendent after ten days' notice, to be given by posting notices in six public places in the park and two public places outside the park, and by mailing to the owner, if known, a copy thereof.

All money received from the sale of such animals and remaining after the payment of all expenses incident to the taking up, impounding, and selling thereof, shall be carefully retained by the superintendent in a separate fund for a period of six months, during which time the net proceeds from the sale of any animal may be claimed by and paid to the owner upon the presentation of satisfactory proof of ownership, and if not so claimed within six months from the date of sale such proceeds shall be turned into the Mount Rainier National Park fund.

The superintendent shall keep a record in which shall be set down a description of all animals impounded, giving the brands found on them, the date and locality of the taking up, the date of all notices and manner in which they were given, the date of sale, the name and address of the purchaser, the amount for which each animal was sold and the cost incurred in connection therewith, and the disposition of the proceeds.

The superintendent will, in each instance, make every reasonable effort to ascertain the owner of animals impounded and to give actual notice thereof to such owner.

REGULATIONS OF JUNE 10, 1908, GOVERNING THE ADMISSION OF AUTOMOBILES.

Pursuant to authority conferred by the act of March 2, 1899 (30 Stat., 993), setting aside certain lands in the State of Washington as a public park, the following regulations governing the admission of automobiles into the Mount Rainier National Park, during the season of 1908, are hereby established and made public:

1. No automobile will be permitted within the metes and bounds of the Mount Rainier National Park unless the owner thereof has first secured a written permit from the acting superintendent, G. F. Allen, Orting, Wash.

2. Applications for permits must show: (*a*) Name of owner, (*b*) number of machine, (*c*) name of driver, and (*d*) inclusive dates for which permit is desired, not exceeding one year, and be accompanied by a fee of $5 for each machine.

Permits must be presented to the acting superintendent or his authorized representative at the park entrance on the government road. The permittee will not be allowed to do a transportation business in the park without license therefor from the Secretary of the Interior.

3. The use of automobiles will be permitted on the government road as far as completed from the western boundary of Mount Rainier National Park to beyond Longmire Springs, between the hours of 9 a. m. and 11 a. m., and between the hours of 3.30 p. m. and 5.30 p m., but such machines must be kept in advance of the stages.

During these hours teams may meet automobiles. At all other times automobiles are excluded from the use of roads within the park.

4. When teams approach, automobiles will take position on the outer edge of the roadway, regardless of the direction in which they

are going, taking care that sufficient room is left on the inside for passage of team.

5. Automobiles will stop when teams approach and remain at rest until teams have passed or until teamsters are satisfied regarding the saftey of their teams.

6. Speed will be limited to 6 miles per hour, except on straight stretches where approaching teams will be visible, when, if no teams are in sight, this speed may be increased.

7. Signal with horn will be given at or near every bend to announce to approaching teams the proximity of an automobile.

8. Teams have the right of way, and automobiles will be backed, or otherwise handled, as necessary, so as to enable teams to pass with safety.

9. Violation of any of the foregoing rules will cause the revocation of permit; will subject the owner of the automobile to any damages occasioned thereby, and to ejectment from the reservation; and be cause for refusal to issue a new permit to the owner of the machine without prior sanction in writing from the Secretary of the Interior.

GENERAL LEGISLATION.

SECTION 5391, REVISED STATUTES OF THE UNITED STATES.

Prosecutions under State Laws where no Federal Laws Are Applicable.

If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

ACT OF JULY 7, 1898 (30 STAT., 717).

AN ACT To protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

* * * * * * *

SEC. 2. That when any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

ACT OF MARCH 3, 1875 (18 STAT., 481).

Cutting Timber on Reserved Lands, Destroying Fences, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States,

which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding $500, or shall be imprisoned not exceeding twelve months.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding $200, or be imprisoned not exceeding six months.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid, for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding $500, or be imprisoned not exceeding twelve months.

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to preemption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May 10, 1872.

ACT OF JUNE 3, 1878 (20 STAT., 89), AS AMENDED BY SEC. 2, OF THE ACT OF AUGUST 4, 1892 (27 STAT., 348).

Cutting Timber on Lands of the United States.

* * * * * * *

SEC. 4. After the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States in public-land States, or remove, or cause to be removed, any timber from said public lands with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars.

ACT OF JUNE 10, 1896 (29 STAT., 343).

Changing or Removing Survey Marks.

AN ACT Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court shall be fined not exceeding two hundred and fifty dollars, or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer, in each case of conviction, shall be paid the sum of twenty-five dollars.

ACT OF FEBRUARY 6, 1905 (33 STAT., 700).

Arrests by National Park and Forest Employees.

AN ACT For the protection of the public forest reserves and national parks of the United States.

All persons employed in the forest-reserve and national-park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

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